

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND-ODESSA DIVISION

UNITED STATES OF AMERICA	* CRIMINAL ACTION NO.
	* MO:22-CR-154
VS.	*
	*
RAYMOND CHARLES, JR.	* October 4, 2022

BEFORE THE HONORABLE DAVID COUNTS  
BENCH TRIAL

APPEARANCES:

For the Government: Monica Daniels, Esq.  
Assistant U.S. Attorney  
400 W. Illinois Avenue  
Midland, Texas 79701

For the Defendant: Anthony Colton & John  
Velasquez, Esq., Assistant  
Federal Public Defenders  
200 E. Wall Street, Suite 110  
Midland, Texas 79701

Court Reporter: Tamara D. Ross  
200 E Wall  
Midland, Texas 79701

Proceedings recorded by mechanical stenography,  
transcript produced by computer-aided transcription.

## PROCEEDINGS

THE COURT: The Court calls U.S. V  
Raymond Charles, Jr., MO:22-CR-154, today for trial.

MS. DANIELS: Monica Daniels for the  
United States.

MR. COLTON: Anthony Colton and John  
Velasquez for Mr. Charles.

THE COURT: Mr. Colton, do you continue  
to believe that Mr. Charles is competent?

MR. COLTON: Yes, Your Honor.

THE COURT: Very well. And has there  
been a waiver of jury filed?

MR. COLTON: I don't think we filed. The  
stipulated bench trial has a waiver.

THE COURT: It does? Within it?

MR. COLTON: Yes.

THE COURT: Okay. Very good. And it  
continues to be Mr. Charles' desire to go forward  
without a jury? Is that correct?

MR. COLTON: That's correct, Your Honor.

THE COURT: All right. And Mr. Charles,  
just -- you're here. Just for your benefit, we've got  
a jury panel still planning to come in tomorrow. Bring  
them in tomorrow morning. We'll call them off if you  
do go through with the bench trial, but I didn't want

1       there to be any more delay in case you changed your  
2       mind this morning.   Okay?

3               THE DEFENDANT:   Yes, sir.

4               THE COURT:   This is what you want to do?

5               THE DEFENDANT:   Yes, sir.

6               THE COURT:   Okay.   Very well.   So

7       Mr. Charles, the -- I'm sorry.   Let me back up.

8       Ms. Daniels, the Government's ready?

9               MS. DANIELS:   Yes, Your Honor.   The  
10       Government is ready.

11              THE COURT:   Defense is ready?

12              MR. COLTON:   Yes, Your Honor.

13              THE COURT:   All right.   So Mr. Charles,  
14       let me read to you -- there's an indictment that was  
15       returned on July 27th, 2022 by a Federal Grand Jury  
16       sitting here in the Midland-Odessa division of the  
17       Western District of Texas.   It states U.S. of America V  
18       Raymond Charles, Jr.   That's you.   Right?

19              THE DEFENDANT:   Yes, sir.

20              THE COURT:   All right.   And they've got  
21       Raymond spelled right, with a U?   R-A-Y-M-U-N-D?

22              THE DEFENDANT:   No, sir.   That's  
23       incorrect.

24              THE COURT:   That should be an O?

25              THE DEFENDANT:   Yes, sir.

1 MR. COLTON: The Government filed a  
2 motion to correct the name.

3 THE COURT: All right. I just didn't see  
4 that. It says the Grand Jury charges Count I -- and  
5 I'll -- if the motion hasn't been granted, then I'll  
6 grant that motion, but it may have already been  
7 granted. The Grand Jury charges Count I, on or about  
8 July 1st, 2022, in the Western District of Texas,  
9 Defendant Raymond Charles, Jr., knowing that he had  
10 been convicted of a crime punishable by imprisonment  
11 for a term exceeding one year, did knowingly possess a  
12 firearm, to wit, a Ruger P90 .45 caliber semiautomatic  
13 handgun, said firearm having been shipped and  
14 transported in interstate commerce in violation of  
15 Title 18 United States code sections 922(g)(1) and  
16 924(a)(2), that true bill signed by the Foreperson of  
17 the Grand Jury. Mr. Colton, how does Mr. Charles plead  
18 to Count I of the indictment?

19 MR. COLTON: Not guilty, Your Honor.

20 THE COURT: Very good. You all may have  
21 a seat. Ms. Daniels, you may proceed.

22 MS. DANIELS: Yes, Your Honor. The  
23 Government has three exhibits for the Court, Your  
24 Honor. Government's Exhibit No. 1 is a stipulation of  
25 facts in the case. And that's signed by me,

1 Mr. Colton, and Mr. Charles, Jr. Government's  
2 Exhibit 2 is Officer Gary Potter's bodycam video, and  
3 Government's Exhibit 3 is a certified judgment and  
4 sentence for Mr. Charles, Jr.

5 THE COURT: Okay. Now, Mr. Colton,  
6 objections?

7 MR. COLTON: No objection to any of  
8 those.

9 THE COURT: Then Government's 1, 2, and 3  
10 are admitted without objection by agreement. Go ahead  
11 and let me have a look at the -- is this the same video  
12 that I watched last week?

13 MS. DANIELS: Yes, sir.

14 THE COURT: At the suppression hearing?

15 MS. DANIELS: Yes, Your Honor.

16 THE COURT: So I don't need that,  
17 obviously. Thank you.

18 (Pause in the proceedings.)

19 THE COURT: Ms. Daniels, anything further  
20 from the Government?

21 MS. DANIELS: No, Your Honor. The  
22 Government rests.

23 THE COURT: Mr. Colton?

24 MR. COLTON: Just for the record, we'd  
25 make a Rule 29 motion, Your Honor.

1 THE COURT: Tiffany, pull up the script  
2 for me. Where's Sebastian County, Arkansas?

3 THE DEFENDANT: Fort Smith, Arkansas.

4 THE COURT: Fort Smith? That's Fort  
5 Smith? Okay.

6 (Pause in the proceedings.)

7 THE COURT: The Court, in reviewing the  
8 evidence in a light most favorable to the Government,  
9 taking all inferences in favor of the Government, and  
10 resolving all issues of credibility in favor of the  
11 Government, which is the standard of proof required on  
12 a Rule 29 motion, at this time finds a reasonable and  
13 rational juror could find the Defendant guilty beyond a  
14 reasonable doubt of each of the elements set forth in  
15 the indictment and respectfully denies the motion.  
16 Evidence from the Defense?

17 MR. COLTON: We rest, Your Honor.

18 THE COURT: And there was a --  
19 Ms. Daniels, there was a motion for a name change on  
20 Mr. --

21 MS. DANIELS: Yes, Your Honor. That was  
22 on September 14th, 2022.

23 THE COURT: Was that already granted?

24 MS. DANIELS: I believe so, Your Honor.

25 THE COURT: Cristina?

1                   DEPUTY CLERK: Yes, sir, it was.

2                   THE COURT: It was. Thank you. So  
3 Mr. Charles, if you'd stand, please. The Government  
4 and Defense having rested and closed their case, the  
5 Court does find you guilty as charged in the indictment  
6 that I read to you, charging you with being a --  
7 possession of a firearm by a convicted felon. And that  
8 was in this cause. And again, the indictment was  
9 returned July 27, 2022.

10                  I'll refer your case to U.S. Probation,  
11 who's here, represented by Senior U.S. Probation  
12 Officer Douglas Bramley. He or another officer will  
13 prepare a Presentence Investigation Report. You'll  
14 have input in making that report, and then your  
15 attorneys will receive a copy of the report well before  
16 your sentencing hearing. They'll very carefully go  
17 through it. They'll share information with you and  
18 then file objections if there are objections they're  
19 able to file. If there are any objections that are  
20 unresolved at the time of your sentencing by either  
21 party, we'll take those up at the sentencing hearing.

22                  After all that's done, I'll hear from  
23 your attorney. I'll also hear from you, of course.  
24 You have the right and have the opportunity to speak to  
25 me before I sentence you. Do you understand?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Any questions?

3 THE DEFENDANT: No, sir.

4 THE COURT: Let's see. What day are we  
5 going to do this?

6 DEPUTY CLERK: January 5, 2023, at 9 a.m.

7 THE COURT: January 5, 2023, 9 a.m.  
8 That can move a little bit up or back for different  
9 reasons. We've got stuff going on, but we'll get  
10 pretty close to that, I think.

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you have any questions at  
13 all?

14 THE DEFENDANT: No, sir.

15 THE COURT: So Mr. Colton, it appears to  
16 me that obviously, the motion -- the suppression issue  
17 is preserved, as stated in the stipulation, and -- as  
18 well as your motion to dismiss. So anything further  
19 from the Government?

20 MS. DANIELS: No, Your Honor.

21 THE COURT: Anything further from the  
22 Defense?

23 MR. COLTON: No, Your Honor.

24 THE COURT: Thank you. Mr. Charles, I  
25 remand you to the custody of the United States Marshals



1 pending your sentencing hearing. Thank you.

2 MR. COLTON: Thank you, Your Honor.

3 THE COURT: Thank you.

4 (Hearing concluded.)

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1 UNITED STATES DISTRICT COURT )  
2 WESTERN DISTRICT OF TEXAS )  
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4 I, Tamara D. Ross, Official Court Reporter for the  
5 United States District Court, Western District of  
6 Texas, do certify that the foregoing is a correct  
7 transcript from the record of proceedings in the  
8 above-entitled matter.

9 I certify that the transcript fees and format comply  
10 with those prescribed by the Court and Judicial  
11 Conference of the United States.

12 Certified to by me this 22nd day of December, 2022.

13  
14 /s/ Tamara D. Ross  
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